

## Fishery Conservation and Management

## § 622.458

EEZ may be pulled or tended only by a person (other than an authorized officer) aboard the spiny lobster trap owner's vessel, or aboard another vessel if such vessel has on board written consent of the trap owner, or if the trap owner is aboard and has documentation verifying his identification number and color code. An owner's written consent must specify the time period such consent is effective and the trap owner's gear identification number and color code.

### § 622.452 Prohibited gear and methods.

Also see § 622.9 for additional prohibited gear and methods that apply more broadly to multiple fisheries or in some cases all fisheries.

(a) *Spears and hooks.* A spear, hook, or similar device may not be used in the Caribbean EEZ to harvest a Caribbean spiny lobster. The possession of a speared, pierced, or punctured Caribbean spiny lobster in or from the Caribbean EEZ is *prima facie* evidence of violation of this section.

(b) *Gillnets and trammel nets in the Caribbean EEZ.* A gillnet or trammel net may not be used in the Caribbean EEZ to fish for Caribbean spiny lobster. Possession of a gillnet or trammel net and any Caribbean spiny lobster in or from the Caribbean EEZ is *prima facie* evidence of violation of this paragraph (b). A gillnet or trammel net used in the Caribbean EEZ to fish for any other species must be tended at all times.

### § 622.453 Prohibition on harvest of egg-bearing spiny lobster.

(a) Egg-bearing spiny lobster in the Caribbean EEZ must be returned to the water unharmed. An egg-bearing spiny lobster may be retained in a trap, provided the trap is returned immediately to the water. An egg-bearing spiny lobster may not be stripped, scraped, shaved, clipped, or in any other manner molested, in order to remove the eggs.

(b) [Reserved]

### § 622.454 Minimum size limit.

(a) The minimum size limit for Caribbean spiny lobster is 3.5 inches (8.9 cm), carapace length.

(b) A spiny lobster not in compliance with its size limit, as specified in this

section, in or from the Caribbean EEZ, may not be possessed, sold, or purchased and must be released immediately with a minimum of harm. The operator of a vessel that fishes in the EEZ is responsible for ensuring that spiny lobster on board are in compliance with the size limit specified in this section.

### § 622.455 Landing spiny lobster intact.

(a) A Caribbean spiny lobster in or from the Caribbean EEZ must be maintained with head and carapace intact.

(b) The operator of a vessel that fishes in the EEZ is responsible for ensuring that spiny lobster on that vessel in the EEZ are maintained intact and, if taken from the EEZ, are maintained intact through offloading ashore, as specified in this section.

### § 622.456 Bag limits.

(a) *Applicability.* Section 622.11(a) provides the general applicability for bag and possession limits. However, § 622.11(a)(1) notwithstanding, the bag limit of paragraph (b) of this section does not apply to a person who has a valid commercial fishing license issued by Puerto Rico or the U.S. Virgin Islands.

(b) *Bag limit.* The bag limit for spiny lobster in or from the Caribbean EEZ is 3 per person per day, not to exceed 10 per vessel per day, whichever is less.

### § 622.457 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

See § 622.12 for applicable ACLs and AMs.

### § 622.458 Caribbean spiny lobster import prohibitions.

(a) *Minimum size limits for imported spiny lobster.* There are two minimum size limits that apply to importation of spiny lobster into the United States—one that applies any place subject to the jurisdiction of the United States other than Puerto Rico or the U.S. Virgin Islands, and a more restrictive minimum size limit that applies to Puerto Rico and the U.S. Virgin Islands.

(1) No person may import a Caribbean spiny lobster with less than a 6-ounce (170-gram) tail weight into Puerto Rico or the U.S. Virgin Islands. For

the purposes of paragraph (a) of this section, a 6-ounce (170-gram) tail weight is defined as a tail that weighs 5.9–6.4 ounces (167–181 grams). If the documentation accompanying an imported Caribbean spiny lobster (including but not limited to product packaging, customs entry forms, bills of lading, brokerage forms, or commercial invoices) indicates that the product does not satisfy the minimum tail-weight, the person importing such Caribbean spiny lobster has the burden to prove that such Caribbean spiny lobster actually does satisfy the minimum tail-weight requirement or that such Caribbean spiny lobster has a tail length of 6.2 inches (15.75 cm) or greater or that such Caribbean spiny lobster has or had a carapace length of 3.5 inches (8.89 cm) or greater. If the imported product itself does not satisfy the minimum tail-weight requirement, the person importing such Caribbean spiny lobster has the burden to prove that such Caribbean spiny lobster has a tail length of 6.2 inches (15.75 cm) or greater or that such Caribbean spiny lobster has or had a carapace length of 3.5 inches (8.89 cm) or greater. If the burden is satisfied such Caribbean spiny lobster will be considered to be in compliance with the minimum 6-ounce (170-gram) tail-weight requirement.

(2) See § 622.409 regarding the minimum size limit that applies to spiny lobster imported into any place subject to the jurisdiction of the United States other than Puerto Rico or the U.S. Virgin Islands.

(b) *Additional Caribbean spiny lobster import prohibitions*—(1) *Prohibition related to tail meat*. No person may import into any place subject to the jurisdiction of the United States Caribbean spiny lobster tail meat that is not in whole tail form with the exoskeleton attached.

(2) *Prohibitions related to egg-bearing spiny lobster*. No person may import into any place subject to the jurisdiction of the United States Caribbean spiny lobster with eggs attached or Caribbean spiny lobster from which eggs or pleopods (swimmerets) have been removed or stripped. Pleopods (swimmerets) are the first five pairs of abdominal appendages.

**§ 622.459 Adjustment of management measures.**

In accordance with the framework procedure of the Fishery Management Plan for the Spiny Lobster Fishery of Puerto Rico and the U.S. Virgin Islands, the RA may establish or modify the following items:

(a) Fishery management unit (FMU), quotas, trip limits, bag limits, size limits, closed seasons or areas, gear restrictions, fishing years, MSY, OY, TAC, maximum fishing mortality threshold (MFMT), minimum stock size threshold (MSST), overfishing limit (OFL), acceptable biological catch (ABC) control rules, ACLs, AMs, ACTs, and actions to minimize the interaction of fishing gear with endangered species or marine mammals.

(b) [Reserved]

**Subpart U—Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands**

**§ 622.470 Permits.**

See § 622.4 of this part for information regarding general permit procedures including, but not limited to fees, duration, transfer, renewal, display, sanctions and denials, and replacement.

(a) *Required permits*—(1) *Prohibited coral*. A Federal permit may be issued to take or possess Caribbean prohibited coral only as scientific research activity, exempted fishing, or exempted educational activity. See § 600.745 of this chapter for the procedures and limitations for such activities and fishing.

(2) [Reserved]

(b) *Application*. (1) The applicant for a coral permit must be the individual who will be conducting the activity that requires the permit.

(2) An applicant must provide the following:

(i) Name, address, telephone number, and other identifying information of the applicant.

(ii) Name and address of any affiliated company, institution, or organization.

(iii) Information concerning vessels, harvesting gear/methods, or fishing areas, as specified on the application form.